

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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United States of America and the
State of New York, ex rel. Patrick Donohue,

Plaintiff(s),

20-cv-05396 (GHW)(SDA)

v.

DECLARATION IN SUPPORT OF
CERTIFICATE OF DEFAULT

Richard Carranza, in his official capacity as
the former Chancellor of New York City
Department of Education, et al.,

Defendants.

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ASHLEIGH C. ROUSSEAU, attorney, duly admitted to practice law in the United States District
Court for the Southern District of New York, declares under 28 U.S.C. §1746 that:

1. The undersigned is counsel for Patrick Donohue, the Relator in the above-captioned action.
2. This Declaration is submitted in support of the Relator's application for a Certificate of Default Judgment from the Clerk of the Court.
3. The Relator filed his first Complaint on July 14, 2020 under seal. [ECF No. 2].
4. On September 29, 2021, the Relator filed a Second Amended Complaint. [ECF No. 19].
5. The Relator attempted to serve all named Defendants through certified mail, including a waiver of service for Defendants to execute and return.
6. On January 28, 2022, the Relator requested an extension from the Court to personally serve all out of state Defendants with the Second Amended Complaint and supporting exhibits. [ECF No. 77].
7. Also on January 28, 2022, the Court granted the Relator's request for an extension, and ordered the Relator to serve all out of state Defendants no later than February 28, 2022. [ECF No. 79].

8. The Relator hired ABC Legal, a nationwide process server to assist with the personal service of the Summons and Second Amended Complaint with supporting exhibits.
9. The Relator received an Affidavit of Service from the process server at ABC Legal, indicating that personal service had been effectuated on NIAGARA FALLS PUBLIC SCHOOL DISTRICT and MARK LAURRIE, Superintendent, on February 2, 2022. A copy of the affidavits of service from ABC Legal is attached hereto as **Exhibit 1**.
10. As reflected on the affidavit of service, ABC Legal personally served NIAGARA FALLS PUBLIC SCHOOL DISTRICT and MARK LAURRIE, Superintendent, which was accepted by Judith Glaser on February 2, 2022.
11. Defendants NIAGARA FALLS PUBLIC SCHOOL DISTRICT and MARK LAURRIE, in his official capacity as Superintendent, have not appeared, nor submitted an Answer or Motion to Dismiss in this action. In fact, they have filed no paper in this action.
12. The Relator has received emails from Roscetti & DeCastro, P.C. that they represent NIAGARA FALLS PUBLIC SCHOOL DISTRICT and MARK LAURRIE, and that they intend to appear in this action.
13. However, counsel for Defendants NIAGARA FALLS PUBLIC SCHOOL DISTRICT and MARK LAURRIE, in his official capacity as Superintendent have not yet filed an Answer or Motion to Dismiss in this action, nor have they indicated they intend to in the near future.
14. Accordingly, the Relator requests that the Clerk issue a Certificate of Default against Defendants NIAGARA FALLS PUBLIC SCHOOL DISTRICT and MARK LAURRIE, in his official capacity as Superintendent of Niagara Falls Public Schools.

Dated: November 1, 2022
New York, New York

Brain Injury Rights Group, Ltd
Attorneys for Plaintiff-Relator

/s/

By: Ashleigh C. Rousseau, Esq. (5801923)
300 East 95th Street, Suite 130
New York, NY 10128
(646) 850- 5035
ashleigh@pabilaw.org